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ALEXANDER L. STEVAS,
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NO. 80-2035

IN THE

SUPREME COURT OF THE UNITED STATES

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October Term, 1980

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ELECTRONIC DATA SYSTEMS CORPORATION IRAN,
Petitioner,

v.

THE SOCIAL SECURITY ORGANIZATION OF THE GOVERNMENT OF IRAN, THE MINISTRY OF HEALTH AND WELFARE OF THE GOVERNMENT OF IRAN, THE GOVERNMENT OF IRAN, DONALD T. REGAN, THE SECRETARY OF THE TREASURY OF THE UNITED STATES OF AMERICA, AND THE UNITED STATES OF AMERICA
Respondents.

MOTION FOR EXPEDITED CONSIDERATION OF MOVANT'S PETITION FOR WRIT OF CERTIORARI AND FOR AN EXPEDITED BRIEFING SCHEDULE AND ORAL ARGUMENT

COMES NOW Petitioner Electronic Data System Corporation Iran,* by its attorneys, and moves that this Court consider and grant its Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit Before Judgment on an expedited basis and thereafter order an expedited schedule for briefing and oral argument in order that this Court may rule on the merits of its case prior to July 19, 1981, and further moves that this Court order an expedited briefing schedule as hereinafter set forth.

In support of this Motion, and as more fully set out in its Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit Before Judgment, Petitioner shows as follows:

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* The parent of EDS is E.D.S. World Corporation, whose parent is Electronic Data Systems Corporation.

1. This case presents a question of extraordinary national importance — the constitutionality of the Executive Orders and Regulations issued in connection with the Iranian claims litigation — which must be expeditiously resolved at the sole authoritative level in this Court.

2. That Executive action presents one of the most serious questions as to the allocation of powers among the branches of our tripartite form of Government ever to be submitted to this Court. The constitutional questions involved are completely novel: neither this Court nor, until the promulgation of the Executive Orders and Regulation, any Court, has adjudicated the issues here involved — notably, because no Executive has ever before sought to exercise such powers.

3. The need for urgent determination is overwhelming. The Executive proposes, on or before July 19, 1981, to transfer some $4 billion in funds which have been subject to federal court orders of attachment — an irreversible action which would divest this Court of effective jurisdiction and render academic any subsequent determination that the Executive was without authority to act.

4. Further, American claimants must, on or before January 19, 1981, make a binding election whether to file a claim in the proposed arbitration or pursue their remedies in the federal courts pursuant to the jurisdiction conferred by Congress as to just such claims. If a claim is filed in the arbitration, however, the Settlement Declaration provides that it would thereafter be "excluded from the jurisdiction of the courts of Iran, or of the United States, or of any other court." Until this Court has spoken as to the constitutionality of the Executive's attempted divestment of the federal courts' jurisdiction over such claims, no claimant can determine whether to file a claim.

5. Defendants can hardly question the necessity for immediate resolution of these issues by this Court. The Government, in formally promulgated regulations, has stated that it would not compel transfer of funds until there has been a "definitive legal ruling," 31 C.F.R. § 535.221(b). In early May, the Government wrote letters, urging expedited decision no later than May 31, to three Courts of Appeals in which Iranian matters were pending. Those letters stated unequivocally that a "dispositive" resolution was required prior to July 19, 1981 and noted that the Government was considering invoking the precise procedure here sought — petitioning for a Writ of Certiorari prior to judgment, pursuant to 28 U.S.C. § 1254(1).

6. Such a "definitive" determination can plainly come only from this Court. The questions raised here already have resulted in sharply divergent decisions in the lower federal Courts. Even where the constitutionality of the Executive action has been upheld, the decisions are in conflict, as set out more fully in Petitioner's Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit Before Judgment.

7. Unless this Court acts to enunciate the law, and does so now, perhaps the most important constitutional question in many decades will have been passed by default — and in a state of judicial indecision where it is impossible to ascertain whether the supposed authority for the Executive action lies in prior congressional enactment, whether the Executive action is devoid of such statutory authority but is nonetheless salvaged by general Article II powers or whether the Executive action is utterly without authority, statutory or constitutional. It is respectfully submitted that, whatever the exigencies of the situation that led to the Executive action, its constitutionality vel non must be determined authoritatively and promptly by this Court.

Specifically, Electronic Data Systems Corporation Iran moves that briefs in response to the petition be filed with the Court and served on EDS no later than June 5, 1981. If certiorari is granted, petitioner moves that the following schedule be adopted to allow the Court time to hear and decide the case before July 19, 1981:

June 19, 1981 —	All parties and amici shall exchange and file main briefs.
June 24, 1981 —	All parties and amici shall file and exchange reply briefs.
June 29, 1981 —	Oral argument.

Petitioner also moves that service and filing of typed and photocopied briefs be permitted on the above dates, with printed copies to be filed and served as soon thereafter as practicable.

Respectfully submitted,

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